

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BIG SKY CIVIL TR.,
Plaintiff,
v.
META PLATFORMS, INC.,
Defendants.

Case No.23-cv-05208-NC

**ORDER TO SHOW CAUSE
WHY CASE SHOULD NOT BE
DISMISSED FOR LACK OF
SUBJECT MATTER
JURISDICTION AND PROPER
REPRESENTATION**

Re: ECF 1, 3

Plaintiff Big Sky Civil Trust (“Big Sky”) filed a complaint on October 12, 2023. ECF 1 (“Compl.”). This Courts ORDERS Big Sky to show cause why this case should not be dismissed for: (1) lack of subject matter jurisdiction; and (2) lack of proper representation.

1. Subject Matter Jurisdiction

Big Sky’s complaint does not provide sufficient information to establish subject matter jurisdiction. Federal courts are courts of limited jurisdiction and are presumptively without jurisdiction. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). District courts have subject matter jurisdiction through federal question or diversity jurisdiction. 28 U.S.C. §§ 1331, 1332. Big Sky selected diversity jurisdiction on the complaint’s cover sheet. Compl. at 4. But the complaint does not have sufficient information to establish diversity of citizenship or the amount in controversy. *See* 28 U.S.C. § 1332(a). Accordingly, Big Sky must show cause in writing why this Court

1 should not dismiss this case for lack of subject matter jurisdiction.

2 **2. Representation of Trusts in Federal Court**

3 Additionally, Big Sky does not have proper representation to appear before this
4 Court. The complaint is brought pro se by trustee, David Braun. Compl. at 3–4. A trustee
5 may not bring an action pro se on behalf of a trust. *C.E. Pope Equity Tr. v. United States*,
6 818 F.2d 696, 698 (9th Cir. 1987) (“[Pro se litigant] may not claim that his status as trustee
7 includes the right to present arguments pro se in federal court.”). Moreover, under Local
8 Rule 3–9(b), “[a] corporation, unincorporated association, partnership or *other such entity*
9 may appear only through a member of the bar of this Court.” Civ. L.R. 3–9(b) (emphasis
10 added). Here, Braun is Big Sky’s trustee and is not a member of the bar of this Court.
11 Thus, Big Sky must either show cause in writing why this case should not be dismissed for
12 lack of appropriate representation, or it may appear through an attorney admitted to the
13 local bar.

14 Given the above concerns, this Court dismisses without prejudice Big Sky’s motion
15 at ECF 3 until Big Sky establishes subject matter jurisdiction and a right to proceed. This
16 Court ORDERS Big Sky to show cause in writing by November 27, 2023, why this case
17 should not be dismissed for the reasons discussed above. Big Sky also must file its
18 consent or declination to magistrate judge jurisdiction. *See* ECF 5.

19 **IT IS SO ORDERED.**

20
21 Dated: November 6, 2023



NATHANAEL M. COUSINS
United States Magistrate Judge